IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2908 of 2005

Between:

1 Jankilal Sangi, S/o.Harilal Sangi,
M/s.Bhavani Jewelers, Pavani Estate, Liberty Road,
Himayathnagar, Hyderabad.
2 Syed Shah Moin UL Haq, S/o.Syed Shah Noor-Ul-Haq
Quadri, M/s. U Like Furniture, Pavani Estate, Liberty Road,
Himayathnagar, Hyderabad.

..... PETITIONERS

AND

1 The Regional Manager, (HCR) APSRTC, JBS, Picket
Secunderabad.
2 M.N.Raju, General Manager, M/s. Uni Adds Private
Limited, P.B.No.18, Ameerpet,
Hyderabad.
3 The Addl. Commissioner of police (Traffic) Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or direction to declaring the action of the respondents erecting by shelter right in front of the petitioner shop completely obstructing the entrance of petitioners shops to the road as illegal, arbitrary and violative of Article 300-A of Constitution of India and pass such other or further orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.SHAREEF

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court, at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 2908 of 2005

ORDER:

Declaring the action of the respondents in erecting bus shelter right in front of the petitioners' shops, completely obstructing the entrance of petitioners' shops to the road, as illegal and arbitrary, the present writ petition has been filed.

2. A detailed counter-affidavit has been filed by the 3rd respondent-Additional Commissioner of Police (Traffic), Hyderabad, stating that the bus shelter was already erected after taking a decision by the competent authority and it is existing without any hindrance to the petitioners' shops. Hence, since bus shelter was already erected and the fact that the shelter is in existing without any hindrance to the petitioners' shops, there is no lis to be adjudicated in this matter inasmuch as the case of the petitioner is that the respondent erected the bus shelter in front of the petitioners' shops, whereas the case of the 3rd respondent is that the bus shelter erected by the respondents is not causing any hindrance to the petitioners' shop. Therefore, it is open for the petitioner to avail the remedies available under law.

3. Accordingly, the writ petition is disposed of, leaving it open to the petitioner to avail all the remedies available under law. No costs.

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March 23, 2005

Kvr

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To

1 The Regional Manager, (HCR) APSRTC, JBS, Picket Secunderabad.
2 M.N.Raju, General Manager, M/s. Uni Adds Private Limited, P.B.No.18, Ameerpet,
Hyderabad.
3 The Addl. Commissioner of police (Traffic) Hyderabad.

4 2 CD copies.